

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- X  
ALEXANDER DUNLOP, et al.

Plaintiff,

-versus-

**CIVIL ACTION  
NO. \_\_\_\_\_**

THE CITY OF NEW YORK, a municipal entity,  
MICHAEL BLOOMBERG, Mayor of the City  
of New York, RAYMOND KELLY, Police Commissioner  
of the City of New York, JOSEPH ESPOSITO, Chief  
of the Department, New York City Police Department,  
THOMAS GRAHAM, Commanding Officer of the Disorder  
Control Unit of the New York City Police Department,  
JOHN J. COLGAN, Deputy Chief and Commanding  
Officer, Pier 57, New York City Police Department,  
THE NEW YORK COUNTY DISTRICT ATTORNEY'S  
OFFICE, NEW YORK DISTRICT ATTORNEY ROBERT  
MORGENTHAU, POLICE OFFICER MAYA GOMEZ,  
shield number 27230, POLICE OFFICER JOHN DOES 1-3,  
and the HUDSON RIVER PARK TRUST, in their individual  
and official capacities, jointly and severally,

Defendants.  
----- X

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446,  
defendant The City of New York ("Defendant") hereby removes this civil action from the  
Supreme Court of the State of New York, County of New York, to the United States District  
Court for the Southern District of New York. In support, Defendant would show as follows:

1. On December 16, 2005, plaintiff Alexander Dunlop filed an "Amended  
Summons" and "Amended Verified Complaint" in the Supreme Court of the State of New York,  
County of New York, with Index No. 05/112008. A copy of those papers is attached hereto as  
Exhibit "A."

2. The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because plaintiff alleges a variety of claims arising under the Constitution of the United States and under 42 U.S.C. § 1983 (including Counts numbered 7 through 10). Defendant hereby removes this action pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446.

3. Defendant first received notice of this action by receipt of service of process on December 22, 2005 and was the first defendant of those named in this action to have received notice. Accordingly, this action is timely removed pursuant to Section 1446. Defendant has not yet answered and there have been no proceedings in the state court.

4. All defendants have consented to the removal of this action and undersigned counsel have caused copies of this Notice of Removal and other papers attached hereto to be filed with the clerk of court in the Supreme Court, County of New York, and have served the same on counsel for all parties.

5. This action is related to the action captioned MacNamara, et al. v. The City of New York, et al., 04 CV 9216 (KMK)(JCF), and to the series of related actions arising out of arrests and detentions around the time of the Republican National Convention, which have been consolidated by Judge Kenneth M. Karas under the caption Schiller, et al. v. The City of New York, et al., 04 CV 7922 (KMK)(JCF). A copy of Judge Karas' orders consolidating these cases is attached hereto as Exhibit "B." Undersigned counsel requests that this action be referred to Judge Karas as a related action and attaches hereto as Exhibit "C" a separate statement of case relatedness.

6. The filing fee of \$250 is attached hereto by check.

WHEREFORE, Defendant The City of New York requests that this Notice of Removal be filed, that this action be removed and proceed in this Court as an action related to

the MacNamara and Schiller actions, and that no further proceedings be conducted in this action in the Supreme Court of the County of New York.

DATED: New York, New York  
January 19, 2006

MICHAEL A. CARDOZO  
Corporation Counsel of the City of New York  
*For Defendant The City of New York*

By: \_\_\_\_\_/s/\_\_\_\_\_  
James Mirro (JM 2265)  
Special Assistant Corporation Counsel  
Special Federal Litigation  
100 Church Street, Room 3-137  
New York, New York 10007  
212.788.8026 (ph)  
212.788.9776 (fax)

TO: Gina M. Bonica, Esq.  
KURLAND & ASSOCIATES, P.C.  
304 Park Avenue South, Suite 206  
New York, New York 10010  
212.253.6911 (ph)  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

Undersigned counsel hereby certifies that, on today's date, a true and correct copy of the foregoing *NOTICE OF REMOVAL* was sent via first class mail, postage prepaid, to counsel of record at the address listed below.

---

JAMES MIRRO

Dated: January 19, 2006

TO: Gina M. Bonica, Esq.  
KURLAND & ASSOCIATES, P.C.  
304 Park Avenue South, Suite 206  
New York, New York 10010  
212.253.6911 (ph)  
Attorneys for Plaintiff